UN

**UNITED NATIONS**

**E**

**Economic and Social Council**

Distr.
GENERAL

E/CN.4/1998/NGO/3
22 January 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Items 5 and 9 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the Latin American Committee for the Defence of Women's Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 December 1997]

## Declaration of human rights from a gender perspective: contribution to the fiftieth anniversary of the Universal Declaration of Human Rights

In December 1998, the United Nations will commemorate the fiftieth anniversary of the Universal Declaration of Human Rights. Knowing the great significance of this event, CLADEM (Latin American and Caribbean Committee for the Defence of Women's Rights), along with other regional and international organizations, has developed a proposal aimed for adoption by the States Members of the General Assembly.

We understand that 1998 is a very special opportunity for States to renew their commitment to the acknowledgement and validity of human rights, incorporating perspectives that have arisen during the last decades, specifically gender and ethnicity.

In the same way that the 1948 Declaration has constituted an ethical statute for the second half of the twentieth century, we consider it necessary that today, on the threshold of the new millennium, that States approve another document of international protection that, without invalidating the achievements obtained in the former, integrates the advances developed hitherto.

### Preamble

Considering that human rights emerged within a constricted concept of the human being: male, occidental, white, adult, heterosexual and owner of assets,

Considering that because of this, the rights of women, indigenous people, homosexuals and lesbians, children, the elderly, disabled people and other groups have been restricted,

Considering that our vision includes a holistic concept of humanity embracing and incorporating those who have been historically - and continue to be - excluded from it,

Considering the indivisibility, universality and interdependence of human rights, and that in the present world context of mounting poverty, inequality and violence, it is crucial to adequately strengthen and guarantee the full validity of environmental, reproductive, economic, social and cultural rights,

Considering that the adoption of this Declaration will neither impede the compliance of the commitments assumed by States on signing the Universal Declaration of Human Rights in 1948, nor impair the enjoyment by all persons of the human rights and fundamental freedoms universally acknowledged. Nor will it authorize activities contrary to sovereignty, territorial integrity and the States' political independence,

We propose that the present project be duly taken into account by the General Assembly in the elaboration of a Declaration for the Twenty-first Century.

## Citizenship

I. (1) All women and men are born free and equal in dignity and rights.

(2) Every individual has the rights and freedoms proclaimed in this Declaration, with no distinction based on race, ethnicity, age, sex, sexual orientation, physical or mental disability, language, religion, political opinion, national or social origin, economic position, birth or any other condition.

II. (1) All human beings have the right to their own identity and the enjoyment of autonomy and self-determination in all spheres of their lives. Women's right to an identity cannot be affected by marriage.

(2) Slavery, servitude, and the traffic in women, girls and boys in any form, including those which take place within family relationships, are prohibited.

III. (1) All human beings are guaranteed the enjoyment and exercise of civil and political rights in equitable conditions and without any discrimination.

(2) All human beings have the right to an equal and equitable participation in labour, political and social organizations, as well as the participation in elective and non-elective public posts.

## Right to development

IV. All human beings have the right to enjoy the benefits of human development, which include economic, social and cultural rights, and specifically everyone's right:

(1) To enjoy the highest level of physical and mental health throughout their life in both urban and rural regions;

(2) To live free from poverty;

(3) To adequate housing;

(4) To equal and equitable access to productive resources, including land, credit, technology, running water and energy.

V. (1) Every person has the right to an education free from stereotypes and/or prejudices.

(2) Every woman and man has the right and responsibility in the raising and education of children and in the maintenance of home and the undertaking of housework.

VI. (1) Everyone has the right to work; the free election of work; protection against unemployment; the enjoyment of safe, equitable and satisfactory working conditions and an adequate standard of living.

(2) Everyone has a right to enjoy the same opportunities and treatment in relation to: access to services of vocational training and employment; job security; remuneration for work of equal value, social security, and other social benefits.

(3) Everyone has a right to rest, to leisure time, to periodic paid holidays and to a reasonable working day.

The right to peace and a violence-free life

VII. (1) All persons have the right to a violence-free life and the enjoyment of peace in both the public and private spheres. No one shall be submitted to forced eviction, torture and/or cruel, inhumane or degrading treatment or punishment. All forms of violence against women constitute a violation of their human rights.

VIII. (1) Migrants, displaced persons or refugees, and individuals in situations of personal or group disadvantage because of gender, race, ethnic origin, age, convictions or any other, have the right to specific protection measures against violence.

(2) All human beings have the right to live free from armed conflict.

(3) Acts of aggression perpetrated against women and children in situations of armed conflict, including murder, rape, sexual slavery and forced pregnancies, constitute crimes against humanity.

IX. (1) Every citizen has the right to a national budget based on social and humanitarian development. Every citizen has the right to demand the promotion of peace by their governments, which include measures towards the reduction of military expenditure, the elimination of all armaments and the reassignment of these funds towards development.

(2) Women and representatives of disadvantaged groups have the right to participate in the process of decision-making and conflict resolution.

Sexual and reproductive rights

X. All human beings have the right to autonomy and self-determination in the exercise of their sexuality, which includes the right to physical, sexual and emotional pleasure, the right to freedom in sexual orientation, the right to information and education on sexuality.

XI. (1) Women and men have the right to decide on their reproductive life in a free and informed manner and to exercise the voluntary and safe control of their fertility, free from discrimination, coercion and/or violence, as well as the right to enjoy the highest level of sexual and reproductive health.

(2) Women have the right to reproductive autonomy, which includes access to safe and legal abortions.

XII. All human beings have the right to sexual and reproductive health care for the maintenance of physical, mental and social well-being.

Environmental rights

XIII. Transgenerational responsibility, equality among women and men, solidarity, maintenance of peace, respect for human rights and fundamental freedoms and cooperation among States are the basis for the achievement of sustainable development and the conservation of the environment.

XIV. (1) All women and men have the right to a sustainable environment and level of development adequate for their health, well-being and dignity.

(2) All women and men have the right to access technologies sensitive to biological diversity, essential ecological processes and life conservation systems in order to undertake work in industry, agriculture, fishing and pasturing.

XV. (1) All persons have the right to participate actively in local, national and international environmental management and education.

(2) The environmental policies shall aim to:

(a) Provide consumers with suitable information, comprehensible to persons of all ages, linguistic origins, and degrees of literacy;

(b) Promote the elimination of chemical products and pesticides which are toxic and dangerous for the environment, reducing health risks that affect people both at home and at work, in urban and rural areas;

(c) Foster the manufacturing of products sensitive and respectful of the environment and the application of non-polluting technologies;

(d) Support the recovery of eroded and deforested lands, of harmed hydrographic basins and of polluted water supply systems.

Rights based on ethnic-racial identity

XVI. All human beings have the right to exercise ethnic-racial diversity free from prejudices based on cultural, linguistic, geographic, religious and racial discrimination. All human beings have the right to protection against ethnocide and genocide.

XVII. (1) All persons and groups have the right to the full and effective enjoyment of individual and collective human rights with no discrimination based on race, nationality or ethnicity, culture, language or religion.

(2) All persons and groups have the right to the acknowledgement of their full cultural identity.

**XVIII. (1) Indigenous peoples have the right to autonomy and self-determination and to the maintenance of their traditional political, legal, educational, social and economic structures and ways of life.**

**XIX. (1) Indigenous peoples have the right to the maintenance of commercial and cultural relations and communications across country borders.**

**(2) Indigenous peoples have the individual and collective right to participate in the decision-making process of their local and national governments.**

**(3) People belonging to ethnic, racial, religious or linguistic minorities have a right to establish their own associations, to practice their own religion and use their own language.**

---